

September 12, 2023

Mohamed Said, Authorized Agent
Kalis Adult Day Care Center LTD
2301 North 2nd Street
Minneapolis, Minnesota 55411

License Number: 1113980 (Rule 223)

CORRECTION ORDER

Dear Mohamed Said:

On August 16, 2023, a licensing review of Kalis Adult Day Care Center LTD located at 2301 North 2nd Street, Minneapolis, Minnesota was conducted to determine compliance with Minnesota Statutes and Rules governing adult day care services under Minnesota Rules, parts 9555.9600 through 9555.9730 (Rule 223). As a result of this licensing review, a Correction Order is being issued.

A. Reason for Correction Order

Pursuant to Minnesota Statutes, section 245A.06, if the Commissioner of the Department of Human Services (DHS) finds that the license holder has failed to comply with an applicable law or rule and this failure does not imminently endanger the health, safety, or rights of the persons served by the program, the Commissioner may issue a Correction Order to the license holder.

The following violation(s) of state or federal laws and rules were determined as a result of the licensing review. Corrective action for each violation is required by Minnesota Statutes, section 245A.06 and is hereby ordered by the Commissioner of Human Services.

1. Citation: Minnesota Statutes, section 245A.65, subdivision 1, paragraph (c) and subdivision 2, paragraph (a).

Violation: For one of three participants whose record was reviewed (P1), the license holder did not provide orientation to the license holder's internal and external reporting procedures related to suspected or alleged maltreatment and the program abuse prevention plan (PAPP) as required.

The license holder failed to provide orientation to P1 on the license holder's internal and external reporting procedures and PAPP within 24 hours of admission. P1 was admitted on March 10, 2023. The license holder provided P1 the required orientation on March 14, 2023.

Corrective Action Ordered: On an ongoing basis, you must maintain compliance as required in these subdivisions.

2. Citation: Minnesota Rules, part 9555.9640.

Violation: For one participant whose record was reviewed (P1), the license holder did not distribute participants' rights, policies, and program information to participants upon admission as required.

The license holder failed to distribute participant's rights, policies, and program information to P1 upon admission. P1 was admitted to the center on March 10, 2023 and the license holder distributed participants' rights, policies, and program information to P1 on March 14, 2023.

Corrective Action Ordered: On an ongoing basis, you must maintain compliance as required in this part.

3. Citation: Minnesota Rules, part 9555.9660, subpart 1.

Violation: For two participants whose records were reviewed (P1 and P3), the license holder did not include information in the participant's written record as required.

- a. The license holder failed to include the following information in P1's record:
 - a medical report dated within the three months prior to or 30 calendar days after P1's admission to the center, signed by a physician or signed by a physician assistant or registered nurse and cosigned by a physician, that included:
 - a report on a physical examination, updated annually;
 - a medical history of P1;
 - indication of dietary restrictions and medication regimen, including the need for medication assistance, that apply to P1;
 - a release signed by the physician indicating whether P1 may engage in a structured exercise program; and
 - documentation that P1 is free of communicable disease or infestations, as specified in parts 4605.7000 to 4605.7090, that would endanger the health of other participants; and
 - notes on special problems or on changes needed in medication and on the need for medication assistance.
- b. The license holder failed to include the following information in P3's record:
 - an application form that included P3's telephone number; and
 - a medical report that included a report on P3's physical examination.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- maintain all information detailed above in P1 and P3's participant records;
- complete an audit of all participants' records that evaluates if each participant's written record includes all information detailed in Minnesota Rules, part 9555.9660; and
- for participants whose records do not include all required information, you must develop a plan detailing how your program will maintain all required information in the participant's record within 60 calendar days of receiving this order.

On an ongoing basis, you must maintain compliance as required in this subpart.

4. Citation: Minnesota Rules, part 9555.9700, subpart 2.

Violation: For three participants whose records were reviewed (P1, P2, and P3), the license holder did not complete initial service planning as required.

- a. The license holder failed to conduct needs assessments for P1 and P3 that included the participant's physical status, determined by observation, from the intake screening interview, and from the medical report received from the participant's physician.
- b. The license holder failed to:
 - conduct a needs assessment for P2 that addressed P2's physical status determined from the medical report received from P2's physician. The license holder conducted a needs assessment for P2 on May 9, 2023 but did not maintain a medical report from P2's physician until May 24, 2023; and
 - develop a preliminary service plan for P2 that included P2's nutritional needs and, where applicable, dietary restrictions.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- update P1, P2, and P3's needs assessments to address the participant's physical status determined from the medical report received from the participant's physician;
- update P2's preliminary service plan to include P2's nutritional needs and, where applicable, dietary restrictions;
- complete an audit of all participants' needs assessments and preliminary service plans to ensure the requirements in Minnesota Rules, part 9555.9700, subpart 2 are maintained; and
- for participants who do not have needs assessments and preliminary service plans that include all requirements, you must develop a plan detailing how your program will maintain a complete needs assessment within 60 calendar days of receiving this order.

On an ongoing basis, you must maintain compliance as required in this subpart.

5. Citation: Minnesota Rules, part 9555.9700, subpart 3.

Violation: For three participants whose records were reviewed (P1, P2, and P3), the license holder did not develop a written plan of care as required.

- a. The license holder failed to develop a written plan of care for P1 that included the anticipated duration of the individual plan of care as written.
- b. The license holder failed to develop written plans of care for P2 and P3 that included:
 - an update of the preliminary service plan and additional services required by the participant; and
 - the anticipated duration for the individual plan of care as written.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- update P1, P2, and P3's written plans of care to include the information detailed above;
- complete an audit of all participants' written plans of care to ensure the requirements in Minnesota Rules, part 9555.9700, subpart 3 are maintained; and

- for participants who do not have a written plan of care that includes all required information, you must develop a plan detailing how your program will maintain a complete written plan of care within 60 days of receiving this order.

On an ongoing basis, you must maintain compliance as required in this subpart.

6. Citation: Minnesota Rules, part 9555.9650, item A.

Violation: For two of two staff persons whose records were reviewed (SP1 and SP2), the license holder did not maintain a personnel record as required.

- a. The license holder failed to maintain a job description in SP1's personnel record.
- b. The license holder failed to maintain the following in SP2's personnel record:
 - SP2's job description; and
 - documentation of an annual performance evaluation in SP2's personnel record.

Corrective Action Ordered: Within 30 days of receiving this order, you must:

- maintain a job description in SP1 and SP2's personnel records; and
- complete a performance evaluation for SP2 and maintain documentation of the evaluation in SP2's personnel record.

On an ongoing basis, you must maintain compliance as required in this item.

7. Citation: Minnesota Rules, part 9555.9650, item B.

Violation: For one consultant whose record was reviewed, the license holder did not include all required information in the personnel record.

The license holder failed to maintain a copy of a signed contract or letter of appointment specifying conditions and terms of employment in the registered nurse's personnel record.

Corrective Action Ordered: Within 30 days of receiving this order, you must maintain a copy of a signed contract or letter of appointment with your registered nurse specifying conditions and terms of employment. On an ongoing basis, you must maintain compliance as required in this item.

8. Citation: Minnesota Rules, part 9555.9710, subpart 1.

Violation: The license holder did not offer services as required.

The license holder failed to ensure the refrigerator had a temperature of 40 degrees Fahrenheit or less. At the time of the licensing review, the thermostat in the refrigerator displayed a temperature of 50 degrees Fahrenheit.

Corrective Action Ordered: Immediately, you must ensure your refrigerator maintains a temperature of 40 degrees Fahrenheit or less. On an ongoing basis, you must maintain compliance as required in this subpart.

If you fail to correct the violations specified in the Correction Order within the prescribed time lines the Commissioner may issue an Order of Conditional License or may impose a fine and order other licensing sanctions pursuant to Minnesota Statutes, sections 245A.06 and 245A.07.

B. Right to Request Reconsideration

If you believe any of the citations are in error, you have the right to request that the Commissioner of Human Services reconsider the parts of the Correction Order that you believe to be in error. The request for reconsideration must be in writing and received by the Commissioner within 20 calendar days after receipt of this report. Your request for reconsideration must be sent to:

Commissioner, Department of Human Services
Office of Inspector General
Legal Counsel's Office
Attention: Licensing Legal Unit
PO Box 64953
St. Paul, MN 55164-0953

Please note that a request for reconsideration does not stay any provisions or requirements of the Correction Order. The Commissioner's disposition of a request for reconsideration is final and not subject to appeal under Minnesota Statutes, chapter 14.

If you have any questions regarding this Correction Order, please contact your licensor, Desiree Tiller at 651-431-4622.

Brittany Raddatz, Supervisor
Licensing Division
Office of Inspector General